EXHIBIT E

U.S. Department of Justice

Andrew E. Lelling
United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100   *John Joseph Moakley United States Courthouse*
1 Courthouse Way
Suite 9200
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November 27, 2019

<u>VIA E-MAIL</u>
Counsel of Record

Re: *United States v. David Sidoo, et al.*
         <u>Case No. 19-cr-10080-NMG</u>

Dear Counsel:

We write in response to your letter of November 15, 2019.

In our prior correspondence, we explained our position that your requests pursuant to *Brady v. Maryland,* 373 U.S. 83 (1963), and Local Rule 116.2 are improper, insofar as they are vastly overbroad and seek information that is either inculpatory, immaterial, within your clients' knowledge, or some combination of the above.

In response, you have demanded that we advise you of the "universe of requests that . . . do not seek exculpatory evidence," and the "universe of requests seeking evidence that, to the government's knowledge, the government does not possess." We do not believe that *Brady* requires the government to do so. To the contrary, it is the defendants' burden, in making such requests, to specify as to each request what evidence you hope to find, why you think it exists, and why such evidence would be both favorable to the defendants and material. *See United States v. Prochilo*, 629 F.3d 264, 268 (1st Cir. 2011). You have not even attempted to meet this burden. Accordingly, we believe we have satisfied our meet-and-confer obligations.

Notwithstanding the foregoing, we have re-reviewed the FBI 302 reports of witness interviews in light of your requests. Although we do not believe that any of the information contained therein constitutes *Brady* material, we are writing to counsel for each of the defendants

under separate cover to provide certain additional disclosures in an abundance of caution.

Sincerely,

ANDREW E. LELLING
United States Attorney

By: _/s Justin D. O'Connell_____
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